

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL NO. 3:10-mc-79-FDW-DCK**

**ALBERT WIRTH, on behalf of himself and the
Albert J. Wirth Trust, and FLORENCE T.
WIRTH,**

Plaintiff,

v.

ORDER

**ROGER E. TAYLOR, RICHARD T. SMITH,
ASCENDUS CAPITAL MANAGEMENT,
LLC, FFCF INVESTORS, LLC, FRANKLIN
FORBES ADVISORS, LP., LBS FUND, L.P.,
LBS ADVISORS, INC., SUMMIT CAPITAL
ADVISORS, INC., JEFFREY B. ROYLANCE,
JENNETTE L. ROYLANCE, GJB
ENTERPRISES, INC., GERALD BURKE a/k/a
G.J. BURKE, JASON BUCK, RICHARD C.
SCHMITZ, and KARI M. LAITINEN,**

Defendants.

ANNETTE KAY DONNELL, an individual

Plaintiff,

v.

ROGER TAYLOR, et al.,

Defendants.

THIS MATTER IS BEFORE THE COURT on Plaintiffs' "Motion To Quash Subpoena Issued to Bank of America, N.A." (Document No. 1) filed June 9, 2010. Defendants have not filed a response, and the time to do so expired on June 28, 2010. This matter has been referred to the Magistrate Judge pursuant to 28 U.S.C.A. § 636(b)(1)(A) and is ripe for review.

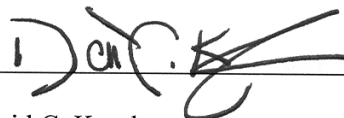
Having fully considered the record, the motion, and applicable authority, the undersigned will grant the motion.

On or about June 2, 2010, Defendants purportedly issued a "Subpoena" (Document No. 3) to Bank of America, directing production of documents and things on June 30, 2010, in Salt Lake City, Utah. The Subpoena, filed as Document No. 3 in this matter, does not appear to be signed or dated, nor does it appear to provide sufficient specificity as to the documents or things requested to be produced. Defendants have not responded to the motion to quash and have thus failed to explain the production they seek, or to otherwise give the Court any cause to deny the motion.

IT IS, THEREFORE, ORDERED that Plaintiffs' "Motion To Quash Subpoena Issued to Bank of America, N.A." (Document No. 1) is **GRANTED**.

IT IS SO ORDERED.

Signed: July 1, 2010



David C. Keesler
United States Magistrate Judge

